

SENATE BILL 240

M3

2lr0105
CF 2lr0106

By: **The President (By Request – Administration) and Senators Frosh, King, Madaleno, Manno, Montgomery, Pinsky, and Raskin**

Introduced and read first time: January 20, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Bay Restoration Fund – Fees**

3 FOR the purpose of increasing certain Bay Restoration Fees paid by users of
4 wastewater facilities, onsite sewage disposal systems, and sewage holding tanks
5 beginning on a certain date; providing for the collection of the fees by certain
6 billing authorities under certain circumstances; repealing certain obsolete
7 language; and generally relating to increasing Bay Restoration Fees.

8 BY repealing and reenacting, without amendments,
9 Article – Environment
10 Section 9–1605.2(a)
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Environment
15 Section 9–1605.2(b)
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2011 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Environment**

21 9–1605.2.

22 (a) (1) There is a Bay Restoration Fund.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) It is the intent of the General Assembly that the Bay Restoration
2 Fund be:

3 (i) Used, in part, to provide the funding necessary to upgrade
4 any of the wastewater treatment facilities that are located in the State or used by
5 citizens of the State in order to achieve enhanced nutrient removal where it is
6 cost-effective to do so; and

7 (ii) Available for treatment facilities discharging into the
8 Atlantic Coastal Bays or other waters of the State, but that priority be given to
9 treatment facilities discharging into the Chesapeake Bay.

10 (3) The Bay Restoration Fund shall be maintained and administered
11 by the Administration in accordance with the provisions of this section and any rules
12 or program directives as the Secretary or the Board may prescribe.

13 (4) There is established a Bay Restoration Fee to be paid by any user
14 of a wastewater facility, an onsite sewage disposal system, or a holding tank that:

15 (i) Is located in the State; or

16 (ii) Serves a Maryland user and is eligible for funding under
17 this subtitle.

18 (b) (1) [The] **BEGINNING ON JULY 1, 2012, THE** Bay Restoration Fee is:

19 (i) [Beginning January 1, 2005, for] **FOR** each [residential
20 dwelling] **USER** that receives an individual sewer bill and each user of an onsite
21 sewage disposal system or a holding tank that receives a water bill[, \$2.50 per month]:

22 **1. A. \$0.90 PER 1,000 GALLONS OF WATER USAGE**
23 **FOR THE FIRST 2,000 GALLONS PER MONTH; AND**

24 **B. \$1.25 PER 1,000 GALLONS OF WATER THAT**
25 **EXCEEDS 2,000 GALLONS OF WATER USAGE PER MONTH; OR**

26 **2. \$5.00 PER MONTH FOR EACH EQUIVALENT**
27 **DWELLING UNIT IF THE BILLING AUTHORITY DOES NOT HAVE A WATER USAGE**
28 **BASED BILLING SYSTEM;**

29 (ii) [Beginning October 1, 2005, for] **FOR** each user of an onsite
30 sewage disposal system that does not receive a water bill, [**\$30**] **\$60** per year; **AND**

31 (iii) [Beginning October 1, 2005, for] **FOR** each user of a sewage
32 holding tank that does not receive a water bill, [**\$30**] **\$60** per year[; and

1 (iv) Beginning January 1, 2005, for a building or group of
2 buildings under single ownership or management that receives a sewer bill and that
3 contains multiple residential dwellings that do not receive an individual sewer bill or
4 for a nonresidential user:

5 1. For each equivalent dwelling unit not exceeding 3,000
6 equivalent dwelling units, \$2.50 per month;

7 2. For each equivalent dwelling unit exceeding 3,000
8 equivalent dwelling units and not exceeding 5,000 equivalent dwelling units, \$1.25 per
9 month; and

10 3. For each equivalent dwelling unit exceeding 5,000
11 equivalent dwelling units, zero].

12 (2) (i) For a residential dwelling that receives an individual sewer
13 bill, a user of an onsite sewage disposal system or a holding tank that receives a water
14 bill, a building or group of buildings under single ownership or management that
15 receives a water and sewer bill and that contains multiple residential dwellings that
16 do not receive an individual sewer bill, and a nonresidential user, the restoration fee
17 shall be:

18 1. Stated in a separate line on the sewer or water bill, as
19 appropriate, that is labeled "Bay Restoration Fee"; and

20 2. Collected for each calendar quarter, unless a local
21 government or billing authority for a water or wastewater facility established some
22 other billing period on or before January 1, 2004.

23 (ii) 1. A. If the user does not receive a water bill, for
24 users of an onsite sewage disposal system and for users of a sewage holding tank, the
25 county in which the onsite sewage disposal system or holding tank is located shall be
26 responsible for collecting the restoration fee.

27 B. A county may negotiate with a municipal corporation
28 located within the county for the municipal corporation to collect the restoration fee
29 from onsite sewage disposal systems and holding tanks located in the municipal
30 corporation.

31 2. The governing body of each county, in consultation
32 with the Bay Restoration Fund Advisory Committee, shall determine the method and
33 frequency of collecting the restoration fee under subsubparagraph 1 of this
34 subparagraph.

35 (3) The total fee imposed under paragraph (1) of this subsection may
36 not exceed \$120,000 annually for a single site.

1 (4) (i) For purposes of measuring average daily wastewater flow,
2 the local government or billing authority for a wastewater facility shall use existing
3 methods of measurement, which may include water usage or other estimation
4 methods.

5 (ii) The averaging period is:

6 1. The billing period established by the local government
7 or billing authority; or

8 2. If a billing period is not established by the local
9 government or billing authority, a quarter of a calendar year.

10 (5) The Bay Restoration Fee under this subsection may not be reduced
11 as long as bonds are outstanding.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2012.